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C O N F I D E N T I A L SECTION 01 OF 03 ANKARA 005781

SIPDIS

DEPARTMENT FOR EUR/SE

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [TU](#)

SUBJECT: GOT: EU REPORT PAVES WAY FOR TALKS

REF: A. ANKARA 261

[¶B.](#) ANKARA 5671

[¶C.](#) ANKARA 5141

Classified By: Classified by Acting DCM James Moore; reasons 1.4 b and d.

[¶11.](#) (C) Summary: GOT and EU contacts say they believe the October 6 EU Progress Report on Turkey paves the way for the opening of accession talks in 2005. At the same time, GOT officials maintain that elements of the report, including a statement that the outcome of the talks cannot be guaranteed, are unfair because they have not been applied to other candidates. They say they will try to persuade EU leaders to avoid using similar language at the EU Summit in December. PM Erdogan, FM Gul, and other top GOT leaders have followed USG advice to focus on the positive aspects of the report in public. Some Turkish pundits and opposition party leaders have been more critical of the report. GOT and EU officials say they will work to adopt several new reforms before December. The GOT leadership will have the difficult task of both pleasing the EU and assuring domestic EU skeptics in the run-up to the Summit. The U.S. role will be to help ensure the GOT remains focused on the big picture, i.e. opening talks in 2005. End Summary.

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Report Paves Way for Talks...  
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[¶12.](#) (C) Asligul Ugdul, director of political affairs at the GOT's Secretariat General for EU Affairs, told us she believes the report, on the whole, paves the way for Turkey to begin accession negotiations in 2005, provided the GOT continues to follow through on reforms. Ugdul said she accepts many of the caveats contained in the report. For example, the section recommending the EU suspend negotiations in case of a "serious and persistent breach" of democratic principles mirrors language used for Croatia. And the statement that the EU will need to monitor the implementation of the reform legislation over time is fair, given the GOT's pledge to follow through on the new laws. Ugdul said she believes these clauses reflect the "lessons learned" by the EU following earlier expansions. She said she was encouraged by Swedish FM Frievalds' comments during her recent visit. Frievalds, Ugdul said, advised GOT interlocutors not to dwell on the caveats, which in the end will prove meaningless. Every country to date that has begun accession talks has progressed toward full membership. Sema Kilicer, political officer at the EU Representation to Turkey, agreed, and said she has advised her GOT contacts to focus on the positive. Kilicer said the caveats in the report reflect the heated debate among EU commissioners, a minority of whom oppose Turkey's candidacy. She said the debates, and related changes to the text, continued up to the last minute.

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...But GOT Has Concerns  
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[¶13.](#) (U) However, Ugdul said the GOT is concerned about several elements of the report:

-- The Commission states that accession talks will be "an open-ended process whose outcome cannot be guaranteed beforehand" (Note: The GOT tried to have this sentence removed during drafting. End Note);

-- The Commission proposes the establishment of a screening process that would precede the opening and closure of each chapter of the accession talks. Ugdul said the EU and GOT have already held eight working groups on the chapters of the EU acquis; any further discussions on the chapters should take place simultaneously with the start of accession talks; and

-- The Commission indicates that the EU might place permanent restrictions on the free movement of Turkish workers.

[¶14.](#) (U) Ugdul averred that the EU would be subjecting Turkey to different standards than those applied to other candidates if it were to implement these elements of the report. She said the GOT will lobby EU leaders to ensure they do not

include similar language in the EU Council report in December  
(Note: See septel for similar comments by FM Gul to UK FS  
Straw. End Note).

GOT Leaders Focus on Positive

**15.** (C) Ugdul and Kilicer both said they were pleased that PM Erdogan, FM Gul, and other top GOT leaders have focused their public statements on the positive elements of the report, in contrast to their initial, unconstructive criticism of the EU's December 2002 decision to postpone a judgment on Turkey's candidacy until 2004.

Opposition, Some Pundits Grow Critical

**16.** (U) Some other voices, however, have become more circumspect, or even hostile, after reading the report in detail. Onur Oymen, an MP from the opposition Republican People's Party (CHP), told us the report is "below our expectations." Oymen said he is concerned that the report does not emphasize the importance of Turkey's secular State. He maintained that PM Erdogan and others in the ruling AK Party could interpret the EU's language on religious freedom as opposition to traditional Turkish secularism. He is also concerned that the EU may call for extensive further reforms on Kurdish issues, such as the inclusion of Kurdish language education in public schools. President Sezer said he expected the EU Council in December to remove "negative elements" of the report, and emphasized the need to protect national interests during negotiations. Devlet Bahceli, chairman of the Nationalist Movement Party (MHP), said during an October 7 press conference that the EU's intention is to "justify terrorism" and "insult the Turkish State." Ahmet Tasgetiren, writing in the October 8 edition of the Islamist daily "Yeni Safak," opined that the Commission is laying the groundwork for a "Plan B" alternative to full EU membership, and argued that Turkey should also develop a Plan B. Mehmet Ocaktan, also of Yeni Safak, accused the Commission of "discrimination" for referring to Kurds as minorities. Orhan Birgit, writing in the nationalist daily "Cumhuriyet," made similar remarks, arguing that the Commission's references to both Kurds and Alevis as minorities reflects its "ignorance" (Note: In Turkey, the term "minority" has a legal meaning tied to the 1923 Lausanne Treaty. The Turkish State interprets the Treaty as conferring minority status exclusively to three non-Muslim religious groups: Greek Orthodox Christians, Armenian Orthodox Christians, and Jews. End Note).

Next Steps for GOT, EU

**17.** (C) Ugdul and Kilicer told us the GOT and EU Commission will work on further reforms before December to bolster Turkey's position at the EU Summit. They said they will focus on the following priorities:

-- Adoption of a new Criminal Procedure Code (reftel A), which determines how the judiciary functions in criminal matters. Parliament is expected to adopt the new Code by the end of the month;

-- Adoption of a new Execution of Punishments Law (reftel A), also on the legislative agenda for this month;

-- Establishment of a corps of Judicial Police, to improve oversight of police investigations;

-- Adoption of a new Associations Law. President Sezer vetoed the law in August; Parliament is expected to override the veto this month;

-- Removal of language from the "reasoning" of the new Penal Code indicating that comments in favor of withdrawing troops from Cyprus, or supporting allegations that the Ottoman Empire committed a "genocide" against Armenians, could constitute a crime (reftel B). The reasoning is an attachment to the law designed as a guide for judges and prosecutors. Ugdul said she was unaware of the controversial language until it was covered in the Greek Cypriot and Armenian American press. She said she will raise the issue in the next meeting of the Reform Monitoring Group, headed by FM Gul, and recommend that the language be removed; and

-- Adoption of a new Foundations Law. Contacts say the new draft law is under Cabinet review. We have not seen the text, but its author claims it would enhance the ability of non-Muslim foundations to acquire legal ownership of properties (reftel C).

Comment

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¶8. (C) Overall, Turkish officials have publicly and privately followed Secretary Powell's advice: Don't whine, don't gloat, be positive in public, point out in private the few things you want changed. Nevertheless, we can expect a certain amount of complaining about EU conditions and caveats; the GOT has to manage domestic public opinion. The GOT faces a tough challenge over the next three months as it tries to assure elements of the Turkish public skeptical about EU intentions, while at the same time convincing the EU Turkey will be a good candidate. The USG role will be to help ensure that the Turks keep their eyes on the prize. We have told our GOT interlocutors that the EU's insistence on implementation should not present a stumbling block -- after all, GOT leaders have said all along they intend to implement the reforms for the good of Turkey.

EDELMAN